

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.4352 of 2016**

- Jai Prakash Chandrakar S/o Late Shri P.L. Chandrakar, Aged About 58 Years R/o B/5, Nehru Nagar, East Bhilai, Distirct Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administraiton And Development Mahandi Bhavan, Capital Complex, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
2. Municipal Corporation Bhilai, Through Commissioner, Municipal Corporation Bhilai, District Durg Chhattisgarh

---- Respondents

For Petitioner :	Shri Sudeep Agrawal, Advocate
For Respondent No.1:	Shri Chandresh Shrivastava, PL
For Respondent No.2:	Shri H.B. Agrawal, Sr. Adv. with Smt. NK Kashyap, Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/09/2016**

Heard.

2. The case of the petitioner is that in the erstwhile Special Area Development Authority (In short "SADA"), Bhilai-Durg, the petitioner was duly appointed as Vaccinator vide order dated 01-06-1988 by the then Chairman of SADA. However, after dissolution of SADA, its assets and liabilities were transferred to Municipal Corporation, Bhilai along with staff including the petitioner. The respondent-Corporation is not granting the pay scale, which is admissible to the petitioner vide order dated 01-06-1998. It is submitted that this issue has been raised before the Municipal Corporation, but the same is not being decided and the petitioner is being paid wages of Ward Peon, on which post, he did not continue after 01-06-1998 and promoted to the post of Vaccinator.

3. It is submitted that after order dated 01-06-1998, two employees namely Parmeshwar Chandrakar and Vinod Kumar Chandrakar, who were promoted as Revenue Inspector, but not given that status and salary by the Corporation and their services were transferred to Corporation, against which, they preferred writ petition before this Court (***Parmeshwar Chandrakar & Another vs. State of Madhya Pradesh and Others, W.P.No.5891 of 1998***), which was disposed off vide order dated 28-02-2013 by this Court and it has been held that in view of the order passed by the Chairman on 01-06-1998 appointing that two persons as Revenue Inspector, they are entitled to appropriate salary payable to the post of Revenue Inspector. It is submitted that vide order dated 01-06-1998, the petitioner was also appointed as Vaccinator, therefore, in the case of the petitioner also, similar relief may be granted.

4. Learned counsel for respondent-Corporation appearing on advance copy submits that in order to grant similar relief, it will require verification of facts applicable to the case of the petitioner and orders passed from time to time and the petitioner's status.

5. From the submission of learned counsel for the parties, it appears that the case of the petitioner needs proper consideration on similar lines as order passed by this Court in the case of **Parmeshwar Chandrakar and another** (supra).

6. Accordingly, the respondent-Corporation is directed to verify necessary facts, in the light of order dated 01-06-1998 passed by the SADA, Bhilai-Durg and pass appropriate order on the petitioner's claim for grant of salary of the post of Vaccinator. The decision may be taken within a period of three months.

7. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge